

Pine Ridge Architectural Control Committee Report

July 3, 2018

*This report was prepared by
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Members Pine Ridge Architectural Control Committee, at the request
of Caroline Martino, President of the Pine Ridge Civic Association.*

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Special Note

This report refers to the Collier County Land Development Code and County Zoning Regulations. The Code and Regulations are subject to change by the Collier County Board of County Commissioners. Property owners should refer to the actual current documents in the County Code. The Collier County Government enforces their code.

This report also refers to the Covenants which are recorded in the Public Records of Collier County. The Covenants run with the land and automatically perpetuate unless formally amended by the property owners in accordance with the provisions of the Covenants.

Definitions

PRACC = Pine Ridge Architectural Control Committee

PRCA = Pine Ridge Civic Association, Inc.

BOCC= Board of County Commissioners of Collier County

LDC = Collier County Land Development Code

Zoning regulations = Criteria, restrictions, contained in the Collier County Land Development Code

Covenants = Declaration of Covenants and Restrictions for each of three Pine Ridge Subdivisions

Developer = Collier Development Corporation, Inc.

Code Enforcement = Collier County Code Enforcement

Concept and History of Pine Ridge

Pine Ridge is an area of development in Collier County, FL. Pine Ridge is generally bounded as follows:

South, Pine Ridge Rd.

West, Tamiami Trail (US41)

East, Goodlette Frank Rd. (Formerly the Atlantic Coastline Railroad Right of Way)

North, Vanderbilt Beach Rd. (Hickory Rd.)

Pine Ridge was developed by the Collier Development Corporation. It was planned by a Land Planning firm, Harland Bartholomew and Associates. Harland Bartholomew is considered the Dean of City and Comprehensive planning. The Pine Ridge planning preceded the current Planned Unit Development (PUD) concept. Thus it was platted with accompanying Covenants and Restrictions with use requirements much stricter than the basic zoning of the early 1950's.

The general land use designations as established by the Covenants are: residential single family, agriculture, multi-family, commercial, and church. The vast majority of the land use within the approximate 2.5 square mile development is designated for single family homes with a minimum lot size of 1.0 acres.

The Covenants designate agriculture use for the easternmost lots only along East Ave., Ridge Drive, Gordon Rd. and Hickory Rd. in the Pine Ridge and Pine Ridge Extension Subdivisions.

The Collier County Land Development Code Zoning Atlas defines the agriculture lots referred to in the previous paragraph as "A" Agriculture. The minimum lot size for an "A" Agriculture lot per the Collier County Zoning, is 5.0 acres, (217,800 sq. ft.). The Pine Ridge Agriculture lots originally platted were less than this 5.0 acre minimum size.

When Collier County rewrote the Land Development code, it "grandfathered" the Pine Ridge "Covenant defined" agriculture area lots as platted. These lots were "grandfathered" as non-conforming "A" agriculture lots, per the Collier County Zoning. According to Ray Bellows, Collier County Zoning Director, the Pine Ridge Agriculture lots cannot be subdivided or split without going through a formal Rezoning Application process.

Pine Ridge Subdivision Plats

Pine Ridge is comprised of three platted subdivisions, all recorded in the Records of Collier County, FL, along with each Plat's respective Declaration of Covenants and Restrictions (Covenants) as follows:

1a. Pine Ridge (Circa 1954)

Pine Ridge Subdivision, Plat	Plat Book 3, Page 24
Pine Ridge Subdivision, Covenants	Deed Book 34, Page 207 to 217, inclusive
Pine Ridge Subdivision, Covenants, Modification	OR Book 66 Page 318

1b. Pine Ridge Re-subdivision of Blocks E, F, G, and H of Pine Ridge Subdivision (Circa 1955)

Pine Ridge Blocks E, F, G, and H	Plat Book 4, Page 29
Pine Ridge Covenants remain on newly created lots from said blocks E, F, G and H	

2. Pine Ridge Extension (Circa 1957)

Pine Ridge Extension Subdivision, Plat	Plat Book 3, Page 51
Pine Ridge Extension Subdivision, Covenants	OR Book 2, Page 427
Pine Ridge Extension Sub., Covenants, Modification	OR Book 66, Page 318

3. Pine Ridge Second Extension (Circa 1971)

Pine Ridge Second Extension, Plat	Plat Book 10, Page 86
Pine Ridge Second Extension, Covenants	OR Book 409, Page 540 through 553 * and as amended in the Public Records

Architectural Control

Each of the three Pine Ridge subdivisions has a separate recorded set of Covenants and Restrictions, also commonly referred to as covenants or deed restrictions. The three subject Covenants reference one common Architectural Control Committee, comprised of three individuals who are residents of Pine Ridge.

The names and addresses of the Architectural Control Committee members, are recorded in the Public Records of Collier County, FL. The current members of the Pine Ridge Architectural Control Committee as of June 1, 2018, are as follows:

Stephen Brisson, AIA, 300 Fifth Avenue South, Naples, FL 34102 (Tel. 239.261.2923)
Thomas R. Peek, P.E., P.S.M, 90 East Avenue, Naples, FL 34108 (Tel. 239.597.8800)
Clifford H. Schneider, P.E., 234 Tupelo Rd., Naples, FL 34108 (Tel. 239.597.6182)

Stephen Brisson serves as the Chairman of the Pine Ridge Architectural Control Committee.

The Pine Ridge Civic Association, Inc. and the Pine Ridge Architectural Control Committee are separate entities. These two entities cooperate for the common good of the Pine Ridge Subdivisions.

Construction Plan Approval Submittal Process

The Covenants require that construction plans for any improvements be submitted to the Pine Ridge Architectural Control Committee for approval prior to construction. This should be done prior to completion of detailed construction plans. The preliminary plans should show the lot lines, building location, setback measurements, and an elevation view of the building.

The PRACC is not in the enforcement business and has no budget for same. The members serve as volunteers and do their best to see that the Covenants are upheld.

Plans can be submitted to the PRACC chairman's office.

Covenants

The respective Pine Ridge Subdivision Covenants are posted on the Pine Ridge Civic Association Website. There may be some amendments that are not posted on the website. Please refer to the Public Records of Collier County.

The website can be accessed by searching <www.PineRidge34108.com>.

The Covenants for each of the three Pine Ridge Subdivisions define the allowable land uses, setbacks, restrictions, and more. The Covenants self-perpetuate. The Covenants can be amended by a vote of 50% plus one of the property owners in each separate respective subdivision. This provision of the Covenants has helped ward off several attempts to allow commercial use in the Residential and Agricultural area lots.

Collier County Land Development Code

Collier County has a Land Development Code (LDC) that defines land use setbacks, restriction, and more. In some cases the Covenants are more restrictive than the LDC and vice versa. In most cases the greater restriction applies.

Agriculture Areas

Pine Ridge Subdivision Covenants allow for limited agricultural uses as defined in the respected Covenants:

Pine Ridge Subdivision, limited agricultural uses allowed in Blocks H and I

Pine Ridge Extension, limited agricultural uses allowed in Blocks H and Z

Pine Ridge Second Extension, no agriculture uses permitted

Setbacks

Minimum yard requirements, a/k/a 'setbacks', are established in the Covenants. The Collier County Land Development Code, (LDC), also has minimum setback requirements which are typically more restrictive than the Covenants, and thus govern. Some older homes constructed prior to the county zoning changes may have nonconforming LDC setbacks, but are grandfathered.

Covenant Setbacks - Primary Structure			
	Minimum Front (Feet)	Minimum Side (Feet)	Minimum Rear (Feet)
Pine Ridge	35'	20'	50'
Pine Ridge Extension	35'	20'	50'
Pine Ridge 2 nd Extension	40'	20'	* See note below.
* "...rear setback shall comply with current Collier County Regulations." Note, this was a change in language per the Second Amendment of the Pine Ridge Second Extension Covenants. The effect of this language is not known, but it is shown because it reflects what is written in the public record. It may provide leniency to terrace rear yard setbacks, which are referenced in the Covenants, and/or pool setbacks.			

County Setbacks - Lots Zoned RSF-1 per LDC			
	Minimum Front (Feet)	Minimum Side (Feet)	Minimum Rear (Feet)
Main Structure	50'	30'	50'
Accessory Structure	50'	30'	10' **
** ie. pool or screen enclosure. Subject to Collier County interpretation.			

County Setbacks - Lots zoned A in Pine Ridge and Pine Ridge Extension per the LDC			
	Minimum Front (Feet)	Minimum Side (Feet)	Minimum Rear (Feet)
Main Structure	50'	30'	50'
Accessory Structure	See Section 4.02.03 of the Collier County Land Development Code ie. pool, screen enclosure, horse stable, barn, agricultural bldg.		

ISSUES OF CONCERN

Lot Splitting

Residential Lots:

The issue of lot splitting comes up from time to time. The Covenants state that one house, one single story guest house, and one detached garage can be constructed on one residential lot. The Covenants also state that each lot shall be one acre or more.

It was the intent of the Developer, Collier Development Corporation, Inc. that the platted lots were not to be split to create more building sites and residences than those lots originally platted. George Huntoon of the Collier Development Corporation, and a member of the original PRACC, attested to this interpretation and intent of the Covenants regarding lot splitting. This occurred in April 1988, per Case No. 11-1988-CA-00312-0001-XX, Collier County Circuit Court Recording.

An owner of a residential lot deviated from this provision and split their lot into two, one acre minimum lots. The Pine Ridge Civic Association challenged this lot split and supported a lawsuit to try to stop construction of two homes on one platted lot. The case went to trial and the PRCA lost the case. The judge ruled that lots could be split and sold.

Thus lots are being split where one acre minimum lots can be created. The value of the land is driving this practice. In some cases lot owners are creating ‘flag lots,’ one behind the other. The real estate market appears to show resistance to this flag lot configuration.

The PRACC discourages lot splitting, but has no power to alter the judge’s ruling.

Agriculture Lots:

The Collier County Zoning Director states that the LDC does not permit splitting of the Pine Ridge Agriculture lots because they are non-conforming to the LDC Agriculture zoning classification. Splitting of non-conforming lots is prohibited unless a zoning modification is submitted and approved.

Fences

Fences / Non-Lakefront Properties

The Collier County Land Development Code has specific criteria for fencing of residential and agriculture properties.

The Covenants state that “No fence or walls shall be erected, placed, or altered on any lot nearer to any street than the minimum building setback line unless similarly approved.” See this in the applicable Covenants for each Pine Ridge Subdivision.

The Pine Ridge Architectural Control Committee interprets this Covenant clause to mean that front yard fences and walls cannot be constructed closer than the governing setback unless fence/wall plans are submitted and approved by the PRACC.

Fences / Lakefront Properties

Fences may not be constructed beyond the “fee simple” defined lot boundaries of the platted lot. The Pine Ridge platted lakes are water management, drainage easement areas. The lakefront lot owners have an undivided interest ownership of the platted lake area. The lake boundary is a defined property line, not the water’s edge. The water’s edge of a lake varies in location with respect to the seasonal water table elevation. Fence “water wings” cannot be constructed into the lake beyond the defined lot line. This is a condition specified in all three of the Pine Ridge Subdivision Covenants. A lakefront lot owner can construct a dock on the lake side of their lot, nothing else in the water of the lake.

The fence placement restriction is also governed by the Collier County Land Development Code and Code Enforcement. Ray Bellows, Collier County Zoning Director has confirmed this fence restriction, as have prior Zoning Directors.

Fence placement and other code violations can be reported to Collier County Code Enforcement.

Special Note: There are two lakes in Pine Ridge that have “divided interest” lines extending into the “middle” or “thread” of the lake. They are “South Lake” located in Block A and “Middle Lake” of Block C in the original Pine Ridge Subdivision. The upland area of lots are defined and the Covenants speak to what can be constructed in the lake parcel, one dock per lot owner, nothing else.

Fencing or Walling of Easements

Drainage or Utility easements may have been created during the Platting process or by separate dedication instrument. These easements were created for the installation of underground or above ground improvements. Drainage easements may contain underground drainage pipes or above ground drainage swales. These easements allow for conveyance of stormwater and for access by Collier County or Utility maintenance/repair crews and equipment.

Drainage easements are not permitted be fenced without a separate formal agreement with Collier County. This condition was confirmed by Ray Bellows, Collier County Zoning Director. It was further confirmed with Gerald Kurtz, P.E. of Collier County Water Management.

On several occasions the above easements have been fenced or walled. Maintenance crews have been prevented from cleaning, installing, or repairing drainage pipes, further contributing to street flooding.

General Commentary on Land Uses and the Covenants

The Covenants state that the only land use for the Residential Lots, shall be residential use.

The Covenants state that the only land use for the Agriculture Lots shall be residential plus the limited agriculture uses defined in the Covenants. The Covenants are specific to allowed species and number of animals or fowl. The Covenants have specific setbacks for Agriculture use buildings.

In recent history a few property owners in Pine Ridge have advertised and rented out their homes, short term, even nightly, via venues such as VRBO (Vacation Rentals by Owner). This is a violation of the Collier County Land Development Code and contrary to the Pine Ridge Subdivision(s) Covenants.

Code Enforcement has acted on these matters.

Over the years there have been numerous attempts to change the land use of individual Pine Ridge lots, residential or agriculture, to commercial use. In every case the attempt has failed because the proponent did not obtain a Covenant change by 50% plus one of the current lot owners. Thus the proponent did not proceed forward with a Zoning Application to Collier County Government. Law offices, real estate offices, and office complexes are examples of past attempted commercial uses.

See attached “Resolution of the Board of Directors of The Pine Ridge Civic Association, Inc.” dated October 8, 1996.

The Pine Ridge Covenants may seem antiquated and trivial to some. The Covenants are very important and provide a backbone for preserving our estate-oriented residential subdivision. The Covenants run with the land and remain, unless amended.

The Pine Ridge Architectural Control Committee and the Pine Ridge Civic Association remain committed to preserving the residential character of our community. We actively stand together.

Respectfully Submitted,

Clifford H. Schneider, P.E.
Thomas R. Peek, P.E., P.S.M.
Members Pine Ridge Architectural Control Committee

Resolution of the Board of Directors of The Pine Ridge Civic Association, Inc.

WHEREAS, Pine Ridge Subdivision (original) was platted in 1954; Pine Ridge Extension was platted in 1957, and Pine Ridge Second Extension was platted in 1971. The three plats make up what is commonly known as “the Pine Ridge Subdivision.” All three units were developed by Collier Development Corporation.

WHEREAS, Collier Development Corporation created a master plan for the entire subdivision with specific uses designated in specific locations. Since planned unit development (PUD) zoning was not available at the time of platting, Collier Development Corporation used deed restrictions to insure the integrity of the master plan.

WHEREAS, changing the deed restrictions to permit uses not originally intended will alter the character of and have a negative impact on the master plan of the Pine Ridge Subdivision.

WHEREAS, the Pine Ridge Civic Association, Inc. (“the Association”) is a voluntary association of property owners in the Pine Ridge Subdivision whose purpose is to promote and maintain the unique character of the Pine Ridge Subdivision as a community, to protect its property values, and to enforce applicable deed restrictions that encumber property within the Pine Ridge Subdivision.

WHEREAS, the Board of Directors of the Association is charged with addressing and giving leadership on issues that face the members of the Association.

WHEREAS, the Board of Directors of the Association believes that it has a responsibility to adopt a policy concerning proposals that might be made to modify the zoning and applicable deed restrictions concerning different parts of the Pine Ridge Subdivision.

NOW THEREFORE, BE IT RESOLVED that it is the policy of the Board of Directors to support the continuation of the single family residential character and usage of all those lots in the Pine Ridge Subdivision that are not now zoned for commercial or multi-family uses; and the Board will not support efforts to make changes by modifying zoning or the applicable Declaration of Covenants and Restrictions unless (i) it is shown by compelling circumstances that the continuation of residential usage is no longer feasible and that other uses are not injurious to adjoining property, and (ii) that by an appropriate vote of lot owners there is a stated desire to amend the applicable Declaration of Covenants and Restrictions.

Adopted by the Board of Directors of the Pine Ridge Civic Association, Inc., this 8th day of October, 1996.

<u>Yes</u>	Chris Lombardo, <i>President</i>	<u>Yes</u>	Arnold DeHart, <i>Past Pres.</i>
<u>Yes</u>	Sally Barker, <i>Vice-Pres.</i>	<u>Absent</u>	Connie Buck, <i>Director</i>
<u>Yes</u>	Sue Bracy, <i>Secretary</i>	<u>Yes</u>	Rebecca Fisher, <i>Director</i>
<u>Yes</u>	Paul Steinmetz, <i>Treasurer</i>	<u>Absent</u>	Jim Quigley, <i>Director</i>